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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/068,094	02/05/2002	Seiichi Kusumoto	020619	7488

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EXAMINER

DUONG, THOI V

ART UNIT PAPER NUMBER

2871

DATE MAILED: 02/04/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

10/068,094

Applicant(s)

KUSUMOTO ET AL.

Examiner

Thoi V Duong

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 03 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 03 March 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-7 and 21-43 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-7 and 21-43 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

### DETAILED ACTION

1. This office action is in response to the Amendment filed March 03, 2004.

Accordingly, claim 1 was amended, claims 8-20 were cancelled, and new claims 21-43 were added. Currently, claims 1-7 and 21-43 are pending in this application.

#### *Response to Arguments*

2. Applicant's arguments with respect to claims 1, 37 and 41 have been considered but are moot in view of the new ground(s) of rejection.

It is noted that Applicants did not claim priority of JP 11-265412 in Declaration filed April 06, 2004.

#### *Claim Rejections - 35 USC § 102*

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

4. Claims 1-7 and 21-43 are rejected under 35 U.S.C. 102(a) as being anticipated by Kusumoto et al. (JP 2001-091736).

Re claim 1, as shown in the only Fig. 1, Kusumoto et al. discloses a polarizing film comprising a non-UV-treated stretched film 1 containing iodine, wherein an absorbance of said polarizing film comprises an absorption peak A in a wavelength range of 550 to 650 nm and an absorption peak B in a wavelength range of 450 to 520 nm, and an absorbance characteristics ratio of (absorption peak A/absorption peak B) is

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no more than 1.5, wherein the absorbance peaks are measured after arranging the polarizing film in a crossed Nicol (see Abstract).

Re claim 37, Kusumoto et al. discloses a polarizing film having an absorbance comprising an absorption peak A in a wavelength range of 550 to 650 nm and an absorption peak B in a wavelength range of 450 to 520 nm, and having an absorbance characteristics ratio (absorption peak A/absorption peak B) of no more than 1.5, wherein the absorbance peaks are measured after arranging the polarizing film in a crossed Nicol, and wherein a retardation of the film measured using a light having a wavelength of 900 nm does not exceed 1100 nm (see Abstract and Detail Description, paragraph 10).

Re claims 33-35 and 41-43, as shown in the only Fig. 1, Kusumoto et al. discloses a polarizing film comprising a stretched film 1 containing iodine and having a stretching ratio of no more than 50% (from 1 to 20% or from 2 to 10%), wherein an absorbance of said polarizing film comprises an absorption peak A in a wavelength range of 550 to 650 nm and an absorption peak B in a wavelength range of 450 to 520 nm, and an absorbance characteristics ratio (absorption peak A/absorption peak B) is no more than 1.5, wherein the absorbance peaks are measured after arranging the polarizing film in a crossed Nicol (see Abstract and Detail Description, paragraph 11).

Re claim 7, Kusumoto et al. discloses a liquid crystal display having the polarizing plate (see Abstract).

Re claim 2, Kusumoto et al. discloses a polarizing plate comprising the polarizing film 1 and a transparent protective layer 2 on one side or both sides of the said polarizing film 1.

Re claims 3, 4, 26 and 27, the polarizing plate comprises a hard coating layer 3 on an external surface of the transparent protective layer 2 of the polarizing plate, wherein the hard coating layer comprises a transparent particle in dispersed state (Detail Description, paragraph 17).

Re claims 5, 6, 21, 22, 25, 28 and 29, the polarizing plate comprises an adhesive layer 4 for adhesion with other members on one side or both sides thereof on the hard coating layer 3 and at least one of a retardation plate and a brightness enhanced plate 5 on the adhesive layer, wherein the adhesive layer comprises at least one of an acryl series polymer, a silicone series polymer, polyester, polyurethane, polyamide, polyether, fluorine series polymer, and rubber series polymer (paragraphs 18 and 26).

Re claim 23, the thickness of the transparent protective layer 2 is from 5 to 200 micrometers ((Detail Description, paragraph 15).

Re claim 24, the transparent protective layer contains transparent particles selected from the group consisting of inorganic fine particles made of silica, alumina, titania, zirconia, tin oxide, indillm oxide, cadmium oxide, antimony or oxide, and organic fine particles made of a cross-linked or non-cross-linked polymer (Detail Description, paragraph 16).

Re claims 30-32, Kusumoto et al. discloses that the absorbance characteristics ratio is no more than 1.4, or 1.3, or 1.2 (Detail Description, paragraph 43).

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Finally, re claim 36, Kusumoto et al. discloses that the polarizing film has a thickness of 5 to 80 micrometers (Detail Description, paragraph 11).

**Conclusion**

5. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thoi V. Duong whose telephone number is (571) 272-2292. The examiner can normally be reached on Monday-Friday from 8:30 am to 4:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert Kim, can be reached at (571) 272-2293.

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Thoi Duong



05/16/2004



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